



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

CRS

Docket No: 5351-99

4 August 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 2 August 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 19 July 1960 at age 17. The record reflects that on 28 November 1960 you received nonjudicial punishment for an unauthorized absence of a day and failure to obey a lawful order. On 9 November 1961 you were involved in an automobile accident and sustained a skull fracture and a severe cerebral concussion. Subsequently, you were found fit for duty on three separate occasions.

After being found fit for duty the last time, you received a second nonjudicial punishment and were convicted by two summary courts-martial. The offenses included wearing another Sailor's uniform hat, improperly wearing the uniform hat, attempted bribery, disrespect, failure to obey a lawful order, forging a civil retirement certificate to show a false age, and forging a government driver's license.

On 31 July 1962 an administrative discharge board recommended that you be separated with an undesirable discharge by reason of unfitness. After review by the discharge authority, the

recommendation for separation was approved and you were discharged with an undesirable discharge on 22 August 1962.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity and the contention that you were mentally ill. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge, given your frequent involvement with military authorities. The Board especially noted the fact that you were the subject of four disciplinary actions within a period of about two years. Further, there is no evidence of record nor did you present any, to show that you were mentally ill, or if you were, that it made you unable to tell right from wrong or adhere to the right, or mitigated your misconduct to the extent that recharacterization is warranted. Therefore, the Board concluded that your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director